

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TAKIA WALTON; DANYLLE	)	
MCHARDY; GEORGE DE LA PAZ JR.;	)	
KEVIN JACOBS and FEIONA DUPREE,	)	
Individually, and on behalf of all others	)	
similarly situated,	)	CIVIL ACTION FILE NO.
	)	1:19-CV-4466-LMM
Plaintiffs,	)	
	)	
v.	)	
	)	
PUBLIX SUPERMARKETS, INC,	)	
	)	
Defendants.	)	

**DECLARATION OF DANIEL GUEGUEN**

I, Daniel Gueguen, pursuant to 28 U.S.C. § 1746, state as follows:

1. The facts in this declaration are based on my personal knowledge.
2. I understand that this declaration may be used as evidence in the above-captioned lawsuit, which concerns the prior classification of the Deli Manager position at Publix Super Markets, Inc. (“Publix”) as exempt from overtime laws. I understand that because I worked for Publix as a salaried exempt Deli Department Manager from July 2018 through the position’s reclassification in March 2019, I am part of the proposed group that Plaintiffs, whose names are at the top of this document, seek to include or otherwise represent in this lawsuit. I understand that

whether to join the lawsuit, as well as whether to speak with Publix's counsel and provide this declaration, are my choices to make and that I will not be treated any differently based on my decisions. I have not been pressured in any way in making these decisions. I have no interest in joining the lawsuit, and I provide this declaration voluntarily.

3. I am a Deli Department Manager for Publix Store No. 0718, which is located at 4279 Roswell Rd., NE, in Atlanta, Georgia.

4. I began working for Publix in March 2014 as a part-time Deli clerk, and moved into my current role in July of 2018. Between when Publix hired me and then, I worked in the Deli in various roles.

5. I have around 18 Associates who I supervise in my Deli now. In the last store where I worked there were between 30 and 35 Associates. My current store is a middle to high volume department. We serve about 3,000 to 5,000 customers per week, on average. Our store has about 14,000 customers per week.

6. I keep track of our sales volume and other helpful data using various reports and key performance indicators that I can access as a manager. These provide metrics and key performance indicators that help me manage my Deli.

7. The reports that I rely on the most for this purpose are: a WOR report, the KPI reports, category sales reports that show how various categories of goods

are doing in terms of revenue, and shrink. The category and shrink reports allow me to make sure we're not, for example, preparing too many rotisserie chickens. I can, again as an example, see how many chickens we prepared and how many we had to throw away so I can direct my team to adjust what we prepare the next day.

8. Being able to track my Department's inventory levels is crucial to my ability to manage.

9. I realize this sounds like a lot of management work to stay on top of. But what I've figured out is that if you're organized in how you run your Department, it's not as much work as you might think.

10. Here's an example of what I mean by this: Tomorrow and the next day I'm closing. Normally on Monday I make my Associates' schedule. Because I know I'll be focused on managing inventory and other matters outside of my normal shifts, I scheduled someone very good who could fill in while I'm working. I know he can backfill in my absence during the day. He is my "contender," who I am training to move into a management role. I know I can rely on him to take on the management work that I decide to delegate to him.

11. A "contender" is someone who has proven themselves to be willing to learn and do what it takes to be a manager for Publix. For me, anyway, Publix "is my company." When I'm training a contender, I'm ensuring they're going to do

good for the company, just as I would. They've demonstrated that they will be able to handle the management role and protect Publix's best interests.

12. I recently had a contender be promoted into management. She was a full-time Deli Clerk and was promoted to an Assistant Deli Manager at another store. I recommended her for promotion, and my District Manager ultimately made the decision based on my recommendation and that of my Store Manager. I thought she was ready for promotion because I had taught her everything I thought I could teach her about managing a Department, including how to use all of the reports and KPIs that I described earlier.

13. To get them ready for promotion, I also put contenders in all of the roles in the Deli so they can learn everything that an Assistant Manager's subordinates might have to do. I believe that will make them more effective once they're promoted into the Assistant Department Manager's role.

14. If I had to describe my role as a manager, I'd say this. As a Deli Manager, I've learned that I'm managing people. On a day-to-day basis, I place my orders based on what inventory the Department needs. I walk my Department to make sure that everything looks right. I verify counts of goods and then make sure that all of my Associates have everything they need. I print out their "forecasts," which are reports that help forecast what will be needed for the day. I discuss what

they'll need with them. After all, it's my job to manage what my Associates are doing. I will check where my sales are in the Deli and try to figure out why they're up or down and what to do about it. I'll plan what to do with daily advertisements, for example our Wednesday sales. I'll make the schedules on Monday or Tuesday, which can take a couple hours. I look at my applicant pool each week, at least, and especially when I'm hiring and decide whether anyone has submitted a good interview. But I normally do two or three interviews per week because, even if I don't need to hire someone, another store might. After lunch, I'll start on "Ready by Four," which is intended to make sure the Department looks as good as it did in the morning when we opened. I'll normally use my contender for this task, helping them learn what work we need to delegate to the team to get ready. I'm normally done by about 4 PM and, and I normally schedule myself to leave by 5 PM. So then, I'll wrap up with anything else I need to do in that last hour.

15. During the day I will also work the on the floor during "Reach Hours," which are 11-1 and 4-7, when I'll talk to customers and, if needed, make some subs sandwiches to help out.

16. I feel like a lot of managers struggle in helping subordinates develop to do all that is needed in a Department like mine. One of the things I've learned is that everyone is different. You have to learn how to talk to people. In every store

where I've worked, I've had someone who I butt heads with. They just don't seem to care for me. I decided that, as a manager, it's best to give those Associates positive feedback. Of course I'll counsel them if they've done something wrong, and I follow a progressive counseling process that leads ultimately to suspension. Thankfully I've only done one or two suspensions in my time at Publix. I think that ties into my communication style, which helps to avoid ever getting to that tough step. Figuring out how to communicate with the Associates I supervise, and to manage in this way, is something I pay a lot of attention to.

17. And all of this boils down to what I think is the most important part of my job: managing my Associates. As a manager, you need to be able to manage everything that is happening at any given time, or things fall apart. All of my management responsibilities are important, and I have to get them done no matter what. But I have to rely on my Associates to accomplish what I need to do on a daily basis, and the only way to do that is to manage them effectively.

18. This is all as true now as it was before March 2019.

19. One last thing: I know a little bit about the Bakery Department Manager role. I've seen at least one manager in that role struggle to get her Associates to do the work they needed to do. This was because the manager was afraid of confrontation. She let her Associates walk all over her and that led her to do more

work than she needed to. If she had been a more effective and organized manager, she could have gotten buy-in to do the work she needed to assign. She simply could not do her job effectively because of her own shortcomings as a manager. By contrast, I will always have contenders who I can delegate to and will always train my Associates and get their buy-in so they can help me do the job I need to get done in the Deli.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2019.



Daniel Gueguen